IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

W.P.(C).No.29119 of 2006(N)

PETITIONERS:-

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1. DR.RAJAN VARGHESE, MAPPILASSERRY HOUSE, MUDAVOOR P.O., MOOVATTUPUZHA.
2. DR.MRS.KOCHURANI RAJAN, MAPPILASSERY HOUSE, MUDAVOOR P.O., MUVATTUPUZHA.
3. ALEYAMMA VARKEY.K.A., KOTTAKKAL HOUSE, MUDAVOOR P.O., MOOVATTUPUZHA.
4. JOHN.K.A., KOTTAKKAL HOUSE, MUDAVOOR P.O., MOOVATTUPUZHA.
5. SHEEBA JOHN, KOTTAKKAL HOUSE, MUDAVOOR P.O., MOOVATTUPUZHA.
6. ANNAKUTTY CHACKO, MOOZHIYIL HOUSE, MUDAVOOR P.O., MUVATTUPUZHA.
7. V.G.THAMPI, VALIYAVEETTIL HOUSE, MUDAVOOR P.O., MUVATTUPUZHA.
8. S.PADMANABHAN NAIR, S/O.SANKARAN NAIR, MANJU BHAVAN, VAZHAPPILLY, MUVATTUPUZHA.
9. PRASANNAKUMARI, W/O.PADMANABHAN NAIR, MANJU BHAVAN, VAZHAPPILLY, MOOVATTUPUZHA.
10. M.M.ABDUL KAREEM, VAZHACHALIYIL HOUSE, CHERUVATTOOR P.O., KOTHAMANGALAM, (SAHARI HOTEL VAZHAPPALLY, MUDAVOOR P.O).
11. K.V.MEERAVU, MARIYIL HOUSE, MUDAVOOR P.O., MUVATTUPUZHA.

BY ADV. SRI.JOHNSON MANAYANI

RESPONDENTS:-
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1. DIRECTOR GENERAL (ROAD DEVELOPMENT)
   GOVERNMENT OF INDIA, MINISTRY OF SURFACE
   TRANSPORT (ROAD WING), PARLIAMENT STREET,
   NEW DELHI.

2. CHIEF ENGINEER (NATIONAL HIGHWAY),
   KERALA PUBLIC WORKS DEPARTMENT,
   THIRUVANANTHAPURAM.

3. PROJECT DIRECTOR, NATIONAL HIGHWAY,
   (ADP CIRCLE), EDAPPALLY, ERNAKULAM.

4. ASSISTANT EXECUTIVE ENGINEER,
   NATIONAL HIGHWAY (ROAD), KERALA PUBLIC WORKS
   DEPARTMENT, EDAPPALLY, ERNAKULAM.

5. EXECUTIVE ENGINEER, NATIONAL HIGHWAY
   (ROADS), DIVISIONAL OFFICE, MOOVATTUPUZHA.

6. DIRECTOR GENERAL (ROAD DEVELOPMENT),
   GOVT. OF INDIA, MINISTRY OF SURFACE TRANSPORT,
   ROAD WING, PARLIAMENT STREET, NEW DELHI.

7. THE SECRETARY, PUBLIC WORKS
   DEPARTMENT, SECRETARIAT, TRIVANDRUM.

8. UNION OF INDIA, REP. BY ITS
   SECRETARY TO MINISTRY OF SURFACE TRANSPORT,
   CENTRAL SECRETARIAT, NEW DELHI.

9. STATE OF KERALA, REP. BY ITS
   SECRETARY TO PUBLIC WORKS DEPARTMENT,
   SECRETARIAT, TRIVANDRUM.

R1 & R8 BY ASSISTANT SOLICITOR GENERAL OF INDIA
SRI.JOHN VARGHESE.
R9 BY GOVERNMENT PLEADER SRI.T.B.HOOD.
BY ADV. SRI.DINESH RAO

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

V.K.Bali,C.J. & S.Siri Jagan,J.

W.P.(C).No.29119 of 2006-N

Dated, this the 19th day of December, 2006

JUDGMENT

V.K.Bali,C.J. (Oral)

Dr.Rajan Varghese and others have filed this petition challenging anticipated acquisition of the petitioners' properties as per Exhibit P1 plan for Cochin-Madurai Highway. Primarily, it is the case of the petitioners that Exhibit P1 plan would disclose that in the proposed road, at a place where petitioners' own land, there occurs severe curves. It is conceded that so far notification under Section 4 of the Land Acquisition Act has not been issued. This petition appears to be premature. We dismiss this petition with an observation that as and when notification is issued under Section 4 of the Act, the petitioners may file their objections under Section 5A taking all objections including with regard to alignment.

V.K.Bali
Chief Justice

S.Siri Jagan
Judge

vku/-